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Amendment dated October 31, 2005
Response to Office Action dated June 30, 2005
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Art Unit: 2131
Examiner: Sherkat
Docket No.: RPS9 2001 0119 US1

REMARKS/ARGUMENTS

Claims 1-21 were pending and examined. The Examiner rejected claims 1-21 under 35 USC § 102(b) as being anticipated by Henry *et al.* (U.S. Patent No. 5,744,058), hereinafter "Henry". In this response, Applicant has amended claims 1 and 11, canceled claims 9 and 12, and added claims 22 and 23. Claims 1-8, 10, 11, and 13-23 are now pending.

Claim rejections under 35 USC § 102(b)

The Examiner rejected claims 1-21 under Section 102(b) as being anticipated by Henry.

In response to the rejection of independent claim 1, Applicant has amended the claim to recite that claimed method includes generating an error message upon determining that no valid data has been established for the device before transitioning the device to a normal operating mode. In addition, claim 1 has been further amended to recite issuing an in service date error message upon determining that the in service date is later than (after) the current date before transitioning the device to normal operating mode. Support for this amended claim language is found in the specification as filed including the description of blocks 132, 140, and 142 of FIG. 2.

The cited reference neither teaches nor suggests the limitations of claim 1 as amended herein because claim 1 explicitly recites enabling the user to operate the device despite errors in a valid date indicator, an in service date indicator, or both. Permitting users to operate the device as recited in amended claim 1 beneficially frees the manufacturer from imposing conditions on users who do not wish to record the in service date or the current date on their systems while simultaneously enabling the manufacturer to detect an invalid in service date for purposes of declining warranty coverage.

The cited reference neither teaches nor suggests the limitations of claim 1 as amended. Henry is a method for implementing an electronic lock for a safe. As a method for preventing unauthorized access to a safe, Henry teaches away from the concept of permitting access to the safe after determining that the user lacks one or more valid keys.

With respect to the anticipation rejection of independent claim 11, Applicant has amended claim 11 to incorporate the limitations of previously submitted claim 12 (now canceled)

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and to further recite the transition of the claimed system to a normal operating mode after detecting an alteration of the current date. For reasons analogous to those described above with respect to claim 1, the cited reference neither teaches nor discloses the limitations of claim 11 as amended. Accordingly, Applicant respectfully requests the Examiner to reconsider and withdraw the anticipation rejection of claim 11 and its dependent claims.

In addition to the foregoing, Applicant respectfully traverses the anticipation rejection of claim 4 which recites storing the current date in non-volatile storage of a service processor. Henry does not teach either explicitly or inherently a service processor. The Office Action rejected claim 4 indicating that the logic panel hardware of Henry anticipates a claim rejection for a service processor. Applicant respectfully disagrees. The term "service processor" is defined in the specification as a processor dedicated for low level operations such as thermal monitoring and the like. Moreover, this usage is consistent with standard usage of the term service processor, which is well known in the field of server class data processing systems. In view of well established case law indicating that claim language is to be construed consistent with the manner in which the term is used in the specification and/or in the field of expertise, Applicant believes that the claim language service processor distinguishes the claimed invention from the logic panel hardware of Henry. Analogous arguments apply to the rejection of claim 18.

In addition to the foregoing, Applicant respectfully traverses the anticipation rejection of claim 10 reciting the use of an I2C compliant communication between a readout machine and non-volatile memory. The Office Action rejected claim 10 citing column 4, lines 25-65 and column 5, lines 1-14 as disclosing "a DC compliant communication between the readout machine and the non-volatile memory." Applicant traverses the rejection because Applicant is not claiming a DC compliant communication. The Office Action does not cite wherein Henry teaches either explicitly or inherently the use of an I2C compliant communication. Accordingly, Applicant respectfully requests the Examiner to reconsider and withdraw the rejection. Analogous arguments apply to the rejection of claim 17.

In addition to the foregoing, Applicant has introduced new independent claim 22, which recites a computer program product for maintaining an in service date for an electronic device. Claim 22 recites instructions for determining whether a valid date has ever been entered into the

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electronic device and, if not, for prompting a user to enter a valid date. The claimed program product also recites instructions for setting a date valid flag upon entry of a valid date into the system and instructions for determining the current date and storing the current date as the in service date if the following three conditions are true: (1) the data valid flag is true (meaning that a valid data has been entered into the system; (2) the device has been operating for a specified duration; and (3) the in service date was not previously stored. Lastly, the claimed program product recites instructions for preventing the user from altering the in service date, once established, without entering an unlocking code obtained from a manufacturer. Support for this claim language is found in FIG. 2 and the supporting text. Because Henry does not teach or suggest the limitations of new claim 22, Applicant submits that claim 22 is allowable over the cited reference. Applicant has also introduced new claim 23, which depends on claim 22, reciting wherein the instructions for preventing the user from altering the in service data enable the user to operate the device despite the absence of a valid in service date. For reasons analogous to those presented above with respect to amended independent claim 1, Applicant submits that claim 23 is neither anticipated nor suggested by the cited reference.

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CONCLUSION

In the present response, Applicant has responded to the Examiner's claim rejections under 35 USC § 102(b). Accordingly, Applicant believes that this response constitutes a complete response to each of the issues raised in the office action. In light of the amendments made herein and the accompanying remarks, Applicant believes that the pending claims are in condition for allowance. Accordingly, Applicant would request the Examiner to withdraw the rejections, allow the pending claims, and advance the application to issue. If the Examiner has any questions, comments, or suggestions, the undersigned attorney would welcome and encourage a telephone conference at 512.428.9872.

Respectfully submitted,


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